

# COMMITTEE REPORT

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## MADAM PRESIDENT:

**The Senate Committee on Elections and Civic Affairs, to which was referred Senate Bill No. 341, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:**

- 1           Page 11, between lines 9 and 10, begin a new paragraph and insert:
- 2           "SECTION 21. IC 3-10-1-31.1 IS AMENDED TO READ AS
- 3           FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 31.1. (a) This section
- 4           applies only to election materials for elections held after December 31,
- 5           2003.
- 6           (b) The inspector of each precinct shall deliver the bags required by
- 7           section 30(a) and 30(c) of this chapter in good condition, together with
- 8           poll lists, tally sheets, and other forms, to the circuit court clerk when
- 9           making returns.
- 10          (c) Except for unused ballots disposed of under IC 3-11-3-31 or
- 11          affidavits received by the county election board under IC 3-14-5-2 for
- 12          delivery to the foreman of a grand jury, the circuit court clerk shall seal
- 13          the ballots and other material during the time allowed to file a verified
- 14          petition or cross-petition for a recount of votes or to contest the
- 15          election. Except as provided in subsection (d), after the recount or
- 16          contest filing period, the election material (except for ballots, which
- 17          remain confidential) shall be made available for copying and inspection
- 18          under IC 5-14-3. The circuit court clerk shall carefully preserve the
- 19          sealed ballots and other material for twenty-two (22) months, as
- 20          required by 42 U.S.C. 1974, after which the sealed ballots and other
- 21          material are subject to IC 5-15-6 unless an order issued under:

(1) IC 3-12-6-19 or IC 3-12-11-16; or

(2) 42 U.S.C. 1973;

requires the continued preservation of the ballots or other material.

(d) If a petition for a recount or contest is filed, the material for that election remains confidential until completion of the recount or contest.

(e) ~~This subsection applies before January 1, 2006.~~ Upon delivery of the poll lists, the county voter registration office may unseal the envelopes containing the poll lists. For the purposes of:

(1) a cancellation of registration conducted under IC 3-7-43 through IC 3-7-46;

(2) a transfer of registration conducted under IC 3-7-39, IC 3-7-40, or IC 3-7-42;

(3) a change of name made under IC 3-7-41;

(4) adding the registration of a voter under IC 3-7-48-8; or

(5) recording that a voter subject to IC 3-7-33-4.5 submitted the documentation required under 42 U.S.C. 15483 and IC 3-11-8 or IC 3-11-10;

the county voter registration office may inspect the poll lists and update the registration record of the county. The county voter registration office shall use the poll lists to update the registration record to include the voter's voter identification number if the voter's voter identification number is not already included in the registration record. Upon completion of the inspection, the poll list shall be preserved with the ballots and other materials in the manner prescribed by subsection (c) for the period prescribed by subsections (c) and (d).

~~(f) This subsection applies after December 31, 2005. Upon delivery of the poll lists, the county voter registration office may unseal the envelopes containing the poll lists. For purposes of:~~

~~(1) a cancellation of registration conducted under IC 3-7-43 through IC 3-7-46;~~

~~(2) a transfer of registration conducted under IC 3-7-39, IC 3-7-40, or IC 3-7-42;~~

~~(3) a change of name made under IC 3-7-41; or~~

~~(4) adding the registration of a voter under IC 3-7-48-8;~~

the county voter registration office may inspect the poll lists and update the registration record of the county. The county voter registration office shall use the poll lists to update the registration record to include the voter's current voter identification number if the voter's voter identification number is not included in the registration record. Upon completion of the inspection, the poll list shall be preserved with the ballots and other materials in the manner prescribed by subsection (c) for the period prescribed by subsections (c) and (d).

~~(g)~~ **(f)** This subsection does not apply to ballots. Notwithstanding subsection (c), if a county voter registration office determines that the inspection and copying of precinct election material would reveal the political parties, candidates, and public questions for which an individual cast an absentee ballot, the county voter registration office shall keep confidential only that part of the election material necessary to protect the secrecy of the voter's ballot.

~~(h)~~ **(g)** After the expiration of the period described in subsection (c) or (d), the ballots may be destroyed in the manner provided by IC 3-11-3-31 or transferred to a state educational institution as provided by IC 3-12-2-12."

Page 13, line 33, strike "office of the circuit court clerk or the board of" and insert "**county voter**".

Page 13, line 34, after "registration" insert "**office**".

Page 14, line 1, strike "office of the circuit court clerk or board of" and insert "**county voter**".

Page 14, line 1, after "registration" insert "**office**".

Page 14, line 2, strike "clerk or board" and insert "**office**".

Page 14, line 15, strike "circuit court clerk or board of" and insert "**county election board. The county election board shall forward the affidavit to the county voter**".

Page 14, line 15, after "registration" insert "**office**".

Page 14, line 17, after "The" delete ":".

Page 14, line 18, delete "(1)".

Page 14, line 18, after "a" insert ":

**(1)**".

Page 14, run in lines 17 through 18.

Page 19, line 13, strike "The board shall begin by counting the state paper".

Page 19, strike line 14.

Page 19, line 15, strike "counting the local paper ballots."

Page 23, line 22, after "who" insert ":

**(1)**".

Page 23, line 23, delete "IC 3-7-33-4.5 and" and insert "**IC 3-7-33-4.5;**

**(2)**".

Page 23, line 24, delete "IC 3-7-33-4.5." and insert "**IC 3-7-33-4.5; and**

**(3) subsequently complies with IC 3-7-33-4.5 before the close of the polls on election day.**".

Page 28, line 35, delete "IC 3-11-8-28." and insert "IC 3-11-8-28; IC 3-11.5-5-4; IC 3-11.7-5-6."

- 1       Renumber all SECTIONS consecutively.  
      (Reference is to SB 341 as introduced.)

**and when so amended that said bill do pass .**

Committee Vote: Yeas 9, Nays 0.

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**Senator Lawson C, Chairperson**